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RCE
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PTO/SB/30 (5/2000)

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U.S. Patent and Trademark office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/904,838
Filing Date	July 13, 2001
First Named Inventor	Ashkenazi, et al.
Group Art Unit	1647
Examiner Name	Romeo, David S.
Attorney Docket Number	39780-2730P2C17

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☒ Affidavit(s)/Declaration(s)—Declarations of Paul Polakis and Avi Ashkenazi)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other: Cited references

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F. R. § 1.17(i) required)
- b. ☐ Other

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-2730P2C17) (total combined fees = \$1,900)
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) (\$770.00)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (3-month EOT = \$950.00)
- iii. ☒ Other: Information Disclosure filing fee = \$180.00
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507
Signature	<i>Daphne Reddy</i>	Date	JUNE 28, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: **June 28, 2004**

Name (Print/Type)	Cheryl Rogers	Date: June 28, 2004
Signature	<i>Cheryl Rogers</i>	Express Mail Label: EL 993 688 655 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-1618P2C17
Serial No.: 09/904,838 Group Art Unit: 1647
Filing Date: July 13, 2001 Examiner: David S. Romeo
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND
NUCLEIC ACIDS ENCODING THE SAME**

EXPRESS MAIL LABEL NO. EL 993 688 655US

Date Mailed: June 28, 2004

PRELIMINARY AMENDMENT

MS: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This Preliminary amendment accompanies a Request for Continued Examination under 37 CFR § 1.114 for the above identified application. An Office Action was mailed on December 29, 2003 in this case. This RCE filing and Preliminary amendment are being timely filed concurrent with a Petition for Extension of Time for three months to maintain co-pendency of this application. Please enter the following amendments, and consider the following arguments. Also attached herewith are a Declaration by Paul Polakis, Ph.D., a Declaration by Avi Ashkenazi, Ph.D., and articles by (i) Orntoft *et al.*, (ii) Hyman *et al.*, (iii) Pollack *et al.*, and (iv) Hanna and Mornin.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.